

Plaintiff has submitted an affidavit and a certified copy of his prison account statement for the six-month period immediately preceding the submission of his complaint. A review of plaintiff's account indicates an average monthly deposit of \$20.00, and an average monthly balance of \$18.96. Plaintiff has insufficient funds to pay the entire filing fee. Accordingly, the Court will assess an initial partial filing fee of \$4.00, which is 20 percent of plaintiff's average monthly deposit.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$4.00 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

Dated this 8th day of December, 2008.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE